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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

JUL 17 2006

Inventor(s): Annette C. Grot, et al.

Serial No.: 10/799020

Examiner: James P. Hughes

Filing Date: March 11, 2004

Group Art Unit: 2883

Title: Photonic Crystal Sensors

COMMISSIONER FOR PATENTS

P.O. Box 1450
Alexandria VA 22313-1450

**NOTICE OF APPEAL FROM THE EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES**

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the examiner dated, March 15, 2006 , rejecting the following claims 1 - 24.

The fee for this Notice of Appeal (37 CFR 1.17(b)) is \$500.00.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

(a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d) for the total number of months checked below:

<input checked="" type="checkbox"/>	one month	\$ 120.00
<input type="checkbox"/>	two months	\$ 450.00
<input type="checkbox"/>	three months	\$1020.00
<input type="checkbox"/>	four months	\$1590.00

The extension fee has already been filled in this application.

(b) Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account 50-1078 the sum of \$620.00. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account 50-1078 pursuant to 37 CFR 1.25.

A duplicate copy of this transmittal letter is enclosed.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date of Deposit: **OR**

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Date of Facsimile: **July 17, 2006**

Typed Name: Linda A. Iimura

Signature: Linda A. Iimura

Respectfully submitted,

Annette C. Grot, et al.

By

Juergen Krause-Polstorff
Attorney/Agent for Applicant(s)

Reg. No. 41,127

Date: **July 17, 2006**

Telephone No. 408 553-2804

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PAGE 1/1 *RCVD AT 7/17/2006 10:32:35 AM [Eastern Daylight Time] *SVR:USPTO-EFXRF-2/6 *DNIS:2738300 *CSID:4085532365 *DURATION (mm:ss):00:56

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